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10/658,334	09/10/2003	Keum-Yong Oh	45454	1873
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Peter L. Kendall Roylance, Abrams, Berdo & Goodman, L.L.P. Suite 600 1300 19th Street, N.W. Washington, DC 20036				
EXAMINER				
MENTOZA, JUNIOR O				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/658,334

Applicant(s)

OH, KEUM-YONG

Examiner

JUNIOR O. MENDOZA

Art Unit

2623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 17-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 17-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 25, 26, 27, 28, 30 and 31** are rejected under 35 U.S.C. 102(e) as being anticipated by Hosoda (Patent No US 7,020,839). Hereinafter referenced as Hosoda.

Regarding **claim 25**, Hosoda discloses a method of transmitting Electronic Program Guide data, comprising the steps of:

producing an XML document on the basis of the Electronic Program Guide data (Col. 7 lines 17-30 also exhibited on fig 6);

producing an XSL document for a style form related to the Electronic Program Guide data (Col. 7 lines 4-9 also exhibited on fig 6);

and transmitting the XML document and the XSL document to a receiver (Col. 16 lines 1-9 also exhibited on fig 6).

Regarding **claim 26**, Hosoda discloses the transmission method of claim 25; moreover, Hosoda discloses that the program data is data for providing an EPG for the receiver (col. 7 lines 17-31; col. 10 lines 4-9).

Regarding **claim 27**, Hosoda discloses a method of receiving Electronic Program Guide data in a receiver, comprising the steps of:

receiving an XML document produced based on the Electronic Program Guide data (Col. 7 lines 17-30 also exhibited on fig 6);

receiving an XSL document produced for a style form related to Electronic Program Guide data (Col. 7 lines 4-9 also exhibited on fig 6) and

storing and parsing the received XML document and XSL document. (Col. 15 lines 50-54; Col. 17 lines 41-50 also exhibited on fig 3).

Regarding **claim 28**, Hosoda discloses all the limitations of claim 28; therefore, claim 28 is rejected for the same reasons as in claim 26.

Regarding **claim 30**, Hosoda discloses the reception method of claim 27; moreover, Hosoda discloses the step of displaying the graphically processed result on a display (Col 6 lines 18-19).

Regarding **claim 31**, Hosoda discloses the reception method of claim 30; moreover, Hosoda discloses the step of displaying extracted EPG-related data and display-related information on the display (Col. 12 lines 8-12; col. 15 lines 55-63).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1 – 7 and 17 – 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoda in view of Berenson et al. (Pub No US 2003/0131355). Hereinafter, referenced as Berenson.

Regarding **claim 1**, Hosoda discloses a method for transmitting a program guide, comprising the steps of:

transmitting the XML-based EPG document to a receiver (Col. 16 lines 1-9 also exhibited on fig 6).

However, it is noted that Hosoda fails to explicitly disclose converting an extensible markup language (XML)-based electronic program guide (EPG) into an XML-based EPG document for a user's preferred program guide.

Nevertheless, in a similar field of endeavor Berenson discloses converting an extensible markup language (XML)-based electronic program guide (EPG) into an XML-based EPG document for a user's preferred program guide (Creating a program listing that matches the user's preferences, where the program listing may be formatted using XML; paragraph [0030] [0043] also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hosoda by specifically providing the elements mentioned above, as taught by Berenson, for the purpose of providing a program guide that has been customized to the liking of each customer, allowing them to receive only information about the programs that are preferred.

Regarding **claim 2**, Hosoda and Berenson disclose the transmission method of claim 1; moreover, Hosoda discloses that a style form related to the XML-based EPG document for the receiver is provided, through conversion into an extensible stylesheet language (XSL) document (Each XML documents is accompanied by one or more style sheets; col. 5 lines 16-17; col. 15 lines 45-48 also exhibited 1).

Regarding **claim 3**, Hosoda and Berenson disclose the transmission method of claim 2; moreover, Hosoda discloses that the receiver stores and analyzes the XSL document related to the XML based EPG document (col. 6 lines 9-12 also exhibited on fig. 6).

Regarding **claim 4**, Hosoda discloses a reception apparatus that receives a program guide (Receiving system 10, figure 6), the reception apparatus comprising:

a storage unit that stores an extensible markup language (XML)-based electronic program guide (EPG) document which has been converted and transmitted (Col. 17 lines 41-50 also exhibited on fig 3);

and an XML parser that parses the stored XML-based EPG document (Col. 15 lines 50-54);

a graphics processor for graphically processing the parsed XML document (Col. 4 lines 38-43; col. 15 lines 55-63).

However, it is noted that Hosoda fails to explicitly disclose that the EPG is a user's preferred program guide which has been converted and transmitted.

Nevertheless, in a similar field of endeavor Berenson discloses that the EPG is a user's preferred program guide which has been converted and transmitted (Creating a program listing that matches the user's preferences, where the program listing may be formatted using XML; paragraph [0030] [0043] also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hosoda by specifically providing the elements mentioned above, as taught by Berenson, for the purpose of providing a program guide that has been customized to the liking of each customer, allowing them to receive only information about the programs that are preferred.

Regarding **claim 5**, Hosoda and Berenson disclose the reception apparatus of claim 4; moreover, Hosoda discloses a storage unit that stores an extensible stylesheet language (XSL) document related to the XML-based EPG document (Col. 17 lines 41-50 also exhibited on fig 3); and

an XSL processor that processes the stored XSL document (Col. 4 lines 38-43; col. 15 lines 55-63).

Regarding **claim 6**, Hosoda and Berenson disclose the reception apparatus of claim 5; moreover, Hosoda discloses that the graphics processor processes the parsed XML-based EPG document and the XSL document (Col. 4 lines 31-43; col. 15 lines 55-63).

Regarding **claim 7**, Hosoda and Berenson disclose the reception apparatus of claim 5; moreover, Hosoda discloses a storage unit that stores and manages various XSL documents defined by a user which are related to the same XML-based EPG document (Col. 5 lines 16-17; col. 17 lines 41-50).

Regarding **claim 17**, Hosoda and Berenson disclose the reception apparatus of claim 4; moreover, Hosoda discloses that the graphics processor displays the graphically processed result on a display (Col 6 lines 18-19).

Regarding **claim 18**, Hosoda and Berenson disclose the reception apparatus of claim 5; moreover, Hosoda discloses the graphics processor displays extracted EPG-related data and display-related information on the display (Col. 12 lines 8-12; col. 15 lines 55-63).

Regarding **claim 19**, Hosoda discloses a method of receiving a program guide (Receiving system 10, figure 6), the reception method comprising the steps of:

- a storing an extensible markup language (XML)-based electronic program guide (EPG) document which has been converted and transmitted (Col. 17 lines 41-50 also exhibited on fig 3);

- parsing the stored XML-based EPG document (Col. 15 lines 50-54);

- graphically processing the parsed XML document (Col. 4 lines 38-43; col. 15 lines 55-63).

However, it is noted that Hosoda fails to explicitly disclose that the EPG is a user's preferred program guide which has been converted and transmitted.

Nevertheless, in a similar field of endeavor Berenson discloses that the EPG is a user's preferred program guide which has been converted and transmitted (Creating a program listing that matches the user's preferences, where the program listing may be formatted using XML; paragraph [0030] [0043] also exhibited on fig 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hosoda by specifically providing the elements mentioned above, as taught by Berenson, for the purpose of providing a program guide

that has been customized to the liking of each customer, allowing them to receive only information about the programs that are preferred.

Regarding **claims 20, 21, 22, 23 and 24**, Hosoda and Berenson disclose all the limitations of claims 20, 21, 22, 23 and 24; therefore, claims 20, 21, 22, 23 and 24 are rejected for the same reasons as in claims 17, 18, 2, 6 and 7, respectively.

5. **Claims 8, 9 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoda in view of Sulistio et al. (Patent No US 7,237,191). Hereinafter, referenced as Sulistio.

Regarding **claim 8**, Hosoda discloses a method of providing an electronic program guide (EPG) selecting a program without having to scroll through the entire EPG, the method comprising:

providing an extensible markup language (XML) based EPG data (Col. 7 lines 17-30 also exhibited on fig 6);

providing an extensible stylesheet language (XSL) based EPG data (Col. 7 lines 4-9 also exhibited on fig 6);

transmitting the XSL based EPG data and the XML based EPG data to a receiver (Col. 16 lines 1-9 also exhibited on fig 6); and

decoding the XML based EPG data by using the XSL based EPG data to provide an XSL document (Col. 15 lines 55-63; col. 16 lines 22-39).

However, it is noted that Hosoda fails to explicitly disclose providing an extensible path (XPath) for accessing a subordinate node in the XML based EPG data.

Nevertheless, in a similar field of endeavor Sulistio discloses providing an extensible path (XPath) for accessing a subordinate node in the XML based EPG data (Col. 9 lines 55-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hosoda by specifically providing the elements mentioned above, as taught by Sulistio, for the purpose of including tags that allows a user to navigate though a document in a fast and efficient manner.

Regarding **claim 9**, Hosoda and Sulistio disclose the method of claim of claim 8; moreover, Hosoda discloses editing the XML based EPG data by using the XSL based EPG data to provide desired programming for the XSL document (Col. 7 lines 31-35).

Regarding **claim 29**, Hosoda discloses the reception method of Claim 27; however, it is noted that Hosoda fails to explicitly disclose the step of accessing a particular node in the XML document through an XPath.

Nevertheless, in a similar field of endeavor Sulistio discloses the step of accessing a particular node in the XML document through an XPath (Col. 9 lines 55-56).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hosoda by specifically providing the elements

mentioned above, as taught by Sulistio, for the purpose of including tags that allows a user to navigate through a document in a fast and efficient manner.

6. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Hosoda in view of Sulistio further in view on Bennington (Pub No US 2004/0168188). Hereinafter, referenced as Bennington.

Regarding **claim 10**, Hosoda and Sulistio disclose the method of claim 9; moreover, Hosoda discloses the step of editing the XML based EPG data, col. 7 lines 31-35. However, it is noted that Hosoda and Sulistio fail to explicitly disclose that the step of editing comprises adding or deleting programming from the XML based EPG data.

Nevertheless, in a similar field of endeavor Bennington discloses that the step of editing comprises adding or deleting programming from the XML based EPG data (Paragraph [0136], the user can select or delete channels from a viewer preference list).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hosoda and Sulistio by specifically providing the elements mentioned above, as taught by Bennington, for the purpose of allowing the users to modify the user interface in order to satisfy their preferences at any given moment.

Response to Arguments

7. Applicant's arguments with respect to claims 1 – 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNIOR O. MENDOZA whose telephone number is (571)270-3573. The examiner can normally be reached on Monday - Friday 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571)272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Junior O Mendoza
Examiner
Art Unit 2623

/J. O. M./
April 15, 2008

/Andrew Y Koenig/
Supervisory Patent Examiner, Art Unit 2623